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OFFICE OF PETITIONS

ON PETITION

In re Application of
Takata et al.
Application No. 10/632,750
Deposited: August 1, 2003
Attorney Docket No. 16869K-086100US

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed July 12, 2004.

The petition to withdraw the holding of abandonment is **Granted**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts mailed on October 13, 2003. The Notice to Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on January 1, 2006. This decision precedes the mailing of a Notice of Abandonment.

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts was not in fact received.

Accompanying the petition is a statement by the practitioner stating the Notice to File Missing Parts was not received and attesting to the fact that a review of docket records indicates the Notice to File Missing Parts was not received. In addition a copy of docket records has been provided. Accordingly, petitioner has provided sufficient information to warrant the withdrawal of the Notice.

In view of the evidence presented, the holding of abandonment is vacated.

It is noted although an application data sheet, the record does not contain a declaration for a utility application using an application data sheet.

This application is being forwarded to the Office of Initial Patent Examination for re-mailing of the Notice of Missing Parts of Nonprovisional Application. The two month time period for reply will be set to run from the mailing date of the new Office Communication

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant
Petitions Attorney
Office of Petitions